



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,573	12/03/2003	Eiko E. Kato	450133-04595.1	2292
20/999 7590 06/22/2009 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
EXAMINER				
WALSH, JOHN B				
ART UNIT		PAPER NUMBER		
2451				
MAIL DATE		DELIVERY MODE		
06/22/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/729,573

**Applicant(s)**

KATO ET AL.

**Examiner**

John B. Walsh

**Art Unit**

2451

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 1 recites “hardware elements”.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-52 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,152,824 to Rothschild et al.

As concerns claim 1, an environment information server, comprising: a server controller (501); a network connection (fig. 3) connected to said server controller; an environment information database (col. 5, line 40) connected to said server controller for storing data for one or more network environments; and a request handler (col. 3, lines 29-32) connected to said server controller for processing requests received through said network connection; wherein the environment information server periodically polls the one or more network environments and updates the environment information database with information regarding each of the one or more network environments (fig. 8 and 10; fig. 10, 109); wherein the information regarding each of the one or more environments comprises user count information (col. 7, lines 40-45; col. 10,

line 46) and latency information (col. 7, lines 39-45) measured relative to a sample client, and available services supported by the environment (col. 7, lines 20-40-type of game, additional games), and wherein said request handler exchanges data with said environment information database and returns, in response to a received request, an environment report of network environments selectable by the user for connection (fig. 10; 110, 111).

As concerns claims 2, 23, 24, 44 and 45 environment information for an environment includes network information for the environment (addresses), status information for the environment.

As concerns claims 3, 19 and 40, network information indicates a name (col. 10, line 45) of the environment.

As concerns claims 4, 20 and 41, said network information indicates a fully qualified domain name (inherent for connection to have a domain name) of the environment.

As concerns claims 5, 21 and 42, said network information indicates a port number (col. 3, line 66) of the environment.

As concerns claims 6, 22 and 43, said status information indicates whether the environment is available or not (col. 9, line 53).

As concerns claims 7, 23 and 44, said user count information indicates the current number of clients (col. 9, lines 10-22) connected to the environment.

As concerns claims 8, 24 and 45, wherein: said user count information indicates the maximum number (col. 9, lines 10-22; inherent for room or game to have a max. # of players) of clients allowed to be connected to the environment.

As concerns claims 9, 25 and 46 wherein: said environment information also includes description information (col. 10, line 43) indicating information describing the environment.

As concerns claims 10, 26 and 47, wherein: said description information indicates news about the environment (col. 10, line 43).

As concerns claims 11, 27 and 48, wherein: said environment report provides multi-lingual support (data is not in any particular language, therefore end system may convert it for presentation to the default language for the system thus providing the support).

As concerns claims 12 and 28, wherein: said environment information request indicates client information (col. 5, line 40) about said client.

As concerns claims 13 and 37, wherein: each environment supports an on-line game (col. 1, lines 59-60).

As concerns claims 14, 31 and 50, wherein: said requests are received from game consoles (1; client computers) connected to said network connection through the Internet (col. 1, line 31).

As concerns claims 15, 30 and 49, wherein: said network connection is connected to the Internet (col. 1, line 31).

As concerns claim 16, wherein: said request handler generates environment reports (fig. 8, 61) using data stored in said environment information database.

As concerns claims 17, 29 and 39, wherein: said request handler customizes environment reports using client information in received requests (fig. 8;65).

As concerns claims 18, 32, 51 and 52, a method of providing environment information, comprising: periodically polling one or more network environments (fig. 8 and 10); updating an

environment information database with information regarding each of the one or more network environments (fig. 8 and 10; fig. 10, 109); wherein the information regarding each of the one or more environments comprises user count information (col. 7, lines 40-45; col. 10, line 46) and latency information (col. 7, lines 39-45) measured relative to a sample client, and available services supported by the environment (col. 7, lines 20-40-type of game, additional games), and receiving a request (60) from a user (1); retrieving environment information for the one or more environments from the environment information database (col. 5, line 40; fig. 8, memory storing the list-61); sending/presenting (fig. 8), in response to the user request, the environment report of network environments selectable by the user (fig. 10; 110, 111).

As concerns claims 32 and 52, receiving from said environment information server an environment report including environment information for two or more environments (fig. 8;62).

As concerns claim 33, the method of claim 32, further comprising: connecting said client to a data network; establishing said network connection between said client and said environment information through said data network; closing said network connection to said environment information server after receiving said environment report (fig. 8).

As concerns claim 35, the method of claim 32, further comprising: selecting an environment (fig. 10; 111) according to said environment report.

As concerns claim 36, the method of claim 35, further comprising: establishing a second network connection (fig. 8) to said selected environment.

As concerns claim 38, the method of claim 32, further comprising: said environment information request indicates client information (col. 5, line 40) about said client.

***Response to Arguments***

4. Applicant's arguments filed March 23, 2009 have been fully considered but they are not persuasive.

The applicant argues Rothschild attempts to connect with other server computers based on a list and continues moving down that list until successful. The applicant further argues pinging all MCPs and updating address information does not teach or suggest the features of claim 1. In response to Applicant's argument that Rothschild includes additional structure/features not required by Applicant's invention, it must be noted that Rothschild discloses the invention as claimed. The fact that it discloses additional structure not claimed is irrelevant. Applicant's arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The claims have been given the broadest reasonable interpretation and the claim limitations have been addressed in the rejection above.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Thursday from 8:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John B. Walsh/  
Primary Examiner, Art Unit 2451